

**From:** [LACEY David](#)  
**To:** [Chip Humphrey/R10/USEPA/US@EPA](#)  
**Cc:** [MCCLINCY Matt](#)  
**Subject:** FW: 2007-00195 Vigor dredging in Portland Harbor  
**Date:** 01/04/2010 09:23 AM  
**Attachments:** [JPA8-12-09.pdf](#)

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Chip,  
FYI, Attached is the permit application for Vigor Industry to dredge in the Swan Island Lagoon. You may already have seen this. I just found out recently that this is going forward and am in the process of trying to figure out what they are doing and if I need to have any oversight of it. So far it doesn't look like there is much of a role for me. Let me know if you have any concerns.

Dave

-----Original Message-----

From: Henry, Debra J NWP [mailto:Debra.J.Henry@usace.army.mil]  
Sent: Monday, January 04, 2010 9:09 AM  
To: LIVERMAN Alex  
Cc: Zinszer, Shawn H NWP; Holm, James A NWP; McMillan, James M NWP; ANDERSON Peter; freedman.jonathan@epa.gov; LACEY David  
Subject: RE: 2007-00195 Vigor dredging in Portland Harbor

Hi Alex,  
I talked to Gene Caudill (applicant) this morning. He said they finished the sediment sampling. He will provide the results and the Biological Assessment at the end of this month.

I have attached the application for your review. Once the permit process is completed this project will be issued as an individual permit not a Nationwide.  
I hope this helps.  
Debra

-----Original Message-----

From: LIVERMAN Alex [mailto:liverman.alex@deq.state.or.us]  
Sent: Tuesday, December 29, 2009 1:28 PM  
To: Henry, Debra J NWP  
Cc: Zinszer, Shawn H NWP; Holm, James A NWP; McMillan, James M NWP; ANDERSON Peter; freedman.jonathan@epa.gov; LACEY David  
Subject: 2007-00195 Vigor dredging in Portland Harbor

Hi Debra.

Hope you are having a nice holiday season.

I asked about the status of this one from James Holm back on Dec 4 and he responded that you were looking at it, possibly as a Nationwide. Can you please let me know what the status is?

I have a PN in the file asking for individual 401 certification from June 2007. I understand the applicant proposed revisions and perhaps it was being held in abeyance until the new proposal was received.

I understand they have recently been going through the SEF process. As this is in the Portland Harbor Superfund site, DEQ has concerns about mobilization of contamination and we would like to coordinate on this with EPA.

The proposal I have clearly discusses the discharge of return water, is for the purpose of navigation within the boat basin, and of amounts well above threshold of Nationwide 19.

As DEQ, USACE, & EPA are in the midst of discussions regarding whether Section 10 permits require 401s, esp. for projects within Superfund sites, it would be great if we could get a better understanding of the USACE regulatory thinking on this one.

Please let me know so I can re-engage on this and coordinate with our Superfund group, EPA, others at USACE, etc.

Thanks.

--Alex

L. Alexandra Liverman

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Got questions about the 401 WQC process? Check out DEQ's new 401

Certification website at:  
<http://www.deq.state.or.us/wq/sec401cert/sec401cert.htm>  
<<http://www.deq.state.or.us/wq/sec401cert/sec401cert.htm>>